IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.8241 OF 2005

The State of Maharashtra ...Applicant

vs.

Shivram Sakharam Mire ...Respondent

Mr.Rajesh More, A.P.P. for Applicant-State
Mr.B.R.Patil for the Respondent

CORAM: A.S.OKA,J.
DATE : SEPTEMBER 4,2006.

P.C.:

1. Heard Advocates for the parties. The Applicant-State of Maharashtra has filed this Application for seeking leave to prefer an Appeal against acquittal. By order dated 19th August 2006, the learned Special Judge, Pune has acquitted the Respondent of offence under section 7 and 13(1)(d) read with section 13(2) of the Prevention of Corruption Act, 1988 (hereinafter referred to as the said Act). The acquittal is on the ground that there was no valid sanction granted for prosecuting the Respondent.

2. It appears to be an admitted position that the Respondent was the Talathi who was appointed by the District Collector. The sanction has been granted for prosecution by Sub Divisional Officer who is an Officer subordinate to the District Collector. My attention has been invited to the decision of learned Single Judge of this Court in case of Bhaurao Marotrao Manekar Vs. State of Maharashtra (1980

Mh.L.J. page 445). The learned Single Judge has held that in case of Talathi appointed by the Collector sanction granted by the Sub Divisional Officer for prosecuting the Talathi under the provisions of Prevention of Corruption Act, 1947 is not valid even if the Collector has delegated his power under the Maharashtra Land Revenue Code, 1966 to the Sub Divisional Officer.

3. In this view of the matter, no fault can be found with the impugned order of acquittal. No case is made out for grant of leave. Accordingly, Application is rejected.

JUDGE